



The Madhya Pradesh Electricity Duty Act, 1949

Act 10 of 1949

Keyword(s):

Consumer, Electrical Undertaking, Producer, Levy of Duty, Consumption of Electrical Energy

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MADHYA PRADESH ACT

No. 10 OF 1949

THE MADHYA PRADESH ELECTRICITY DUTY ACT, 1949

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THE MADHYA PRADESH ACT

(No. 10 OF 1949)¹

THE [MADHYA PRADESH]² ELECTRICITY DUTY ACT, 1949

(Received the assent of the Governor on the 30th March, 1949 ; assent first published in the Central Provinces and Berar Gazette, Extraordinary, on the 2nd April, 1949.)

An Act to provide for the levy of a duty on [sale or consumption of electrical energy.]³

Whereas it is expedient to provide for the levy of a duty on [sale or consumption of electrical energy;]³

It is hereby enacted as follows :—

1. (1) This Act may be cited as the [Madhya Pradesh]² Electricity Duty Act, 1949.

Short title, extent and commencement.

[(2) It extend to and shall be in force in the whole of Madhya Pradesh.]⁴

[(3)]⁵

2. In this Act, unless there is anything repugnant in the Definitions. subject or context,—

[(a) “consumer” means any person who receives electrical energy sold or supplied by a distributor of electrical energy or a producer and includes a person receiving electrical energy in bulk for onward distribution;

(a-i) “distributor of electrical energy” means a person or a local authority who, as principal or agent, carries on the business of running an electrical undertaking under a licence granted under the Indian Electricity Act, 1910 (9 of 1910), and includes—

(i) a Government Department or the State Electricity Board constituted under section 5 of the Electricity (Supply) Act, 1948 (54 of 1948), running an electrical undertaking; and

1. For Statement of Objects and Reasons, see Central Provinces and Berar Gazette, 1949, Part II, page 54; for discussion, see Central Provinces and Berar Legislative Assembly Proceedings, Vol. VII, Pages 42-49, dated the 24th March, 1949.

2. Subs. by M. P. Act 14 of 1965, S. 2, for “Central Provinces and Berar”.

3. Subs. by M. P. Act 7 of 1956, S. 5, for “certain sales of electrical energy effected by a distributor of electrical energy”.

4. Subs. by M. P. Act 18 of 1957, S. 3(1), Sch., Part-A, item IV.

5. Omitted *ibid.* The Act came into force on the 1st October, 1949, see Commerce and Industries Department Notification No. 8091-916-VII-E, dated the 1st October, 1949, issued under sub-section (3) of section 1, published in the Central Provinces and Berar Gazette, Extra ordinary 1949, page 511.

(ii) National Thermal Power Corporation or other organisation by whatever name called which have been constituted under any Central or State Act for the time being in force for a like purpose;]¹

[(b)]²

[(c) "electrical undertaking" means any undertaking engaged in the business of supplying electrical energy in any area in Madhya Pradesh, and includes an undertaking engaged in the business of supplying electrical energy in bulk to another distributor of electrical energy;]³

(d) "prescribed" means prescribed by rules made by the State Government under this Act ;

[(d-i) "producer" means, subject to such rules as may be made by the State Government for registration of generators, a person who generates electrical energy at a voltage exceeding hundred volts and, in the event of generation of electrical energy by a hirer of generator, the owner of generator shall be deemed to be the producer;]⁴

(e) any expression used but not defined in this Act and defined in the Indian Electricity Act, 1910 (9 of 1910), shall have the meaning assigned to it in that Act.

Levy of duty on sale or consumption of electrical energy.

[3. (1) Subject to the exceptions specified in section 3-A, every distributor of electrical energy and every producer shall pay every month to the State Government at the prescribed time and in the prescribed manner a duty calculated at the rates specified in the table below on the units of electrical energy sold or supplied to a consumer or consumed by himself for his own purposes or for purposes of his township or colony, during the preceding month :—

TABLE
RATES OF DUTY
PART-A

Electrical Energy sold or supplied in bulk by a 2 paise per unit producer or distributor of electrical energy to another distributor of electrical energy excluding electrical energy supplied for his township or colony.

1. Subs. by M. P. Act 46 of 1984, S.2 (i).
2. Omitted by M. P. Act 7 of 1956, S.6(ii).
3. Subs. by M. P. Act 46 of 1984, S.2 (ii).
4. Subs. by M. P. Act 21 of 1978, S.2(iii).

PART-B

Electrical energy sold or supplied for consumption for purposes as shown below—

- (1) For domestic purposes receiving electricity at low tension tariff. 8 paise per unit of energy upto 200 units of energy sold or supplied in a month; 15 paise per unit for each additional unit sold or supplied in a month in excess of 200 units of energy.
- (2) For non domestic and commercial purposes including X-ray plants receiving electricity at low tension tariff. 12 paise per unit of energy upto 100 units of energy sold or supplied in a month; 15 paise per unit for each additional unit sold or supplied in a month in excess of 100 units of energy.
- (3) For water and sewage pumping installation of Municipalities, Corporations and other local bodies used for public utility water scheme. 3 paise per unit of energy.
- (4) For mines other than captive mines of a cement industry. 50 paise per unit of energy.
- (5) For cement industry including its captive mines. 10 paise per unit of energy.
- (6) For mini steel plant, calcium carbide plants and for consumers receiving energy under electro chemical tariff. 4 paise per unit of energy.
- (7) For other industries not covered under above categories. 5 paise per unit of energy.
- (8) For non-industrial purposes not included under any of the above categories. 15 paise per unit of energy.

Provided that if the electrical energy sold or supplied for consumption for any one purpose is used either wholly or partly, without the consent of the distributor of electrical energy or producer of electricity, as the case may be, for consumption for any other purpose for which a higher rate of duty is chargeable, the entire energy sold or supplied shall be charged at the highest rate applicable.

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Explanation. — For the purpose of this section, —

- (a) "month" means such period as may be prescribed and till such period is prescribed, the billing month;
- (b) "mine" means a mine to which the Mines Act, 1952 (No. 35 of 1952) applies and includes the premises or machinery situated in or adjacent to a mine and used for crushing, processing, treating or transporting the mineral.

(2) Items (1), (2), (3) and (6) of Part-B of the Table under sub-section (1) shall respectively cover the same categories of consumption as are adopted by the Madhya Pradesh Electricity Board for purposes of billing of electricity sold or supplied by it.

(3) If any dispute arises in respect of any matter falling under sub-section (2), the decision of the State Government thereon shall be final.¹

Exceptions.

²[3-A. Notwithstanding anything in section 3, no duty shall be payable in respect of electrical energy—

- (i) sold or supplied to the Government of India for consumption by that Government;
- (ii) sold or supplied to the Government of India or a railway company for consumption in the construction, maintenance or operation of any railway administered by the Government of India;
- (iii) sold or supplied to the State Government for consumption by that Government ;
- (iv) sold or supplied to any local authority for consumption in public street lamps or lamps in any market places or other places of public resort maintained by such authority;
- (v) sold to or used by an agriculturist for consumption in pumping of water for irrigation of his land or in chaff cutting or in crushing or treating the produce of his land;
- [(vi) * * * * *]³
- [(vii) * * * * *]⁴

Power to exempt.

[3-B. Where the State Government is of opinion that,—

- (i) in order to encourage the establishment of any particular industry or class of industries in the State; or
- (ii) having regard to the particular circumstances of any industry or class of industries; or

1. Subs. by M. P. Act 21 of 1986, S.2.
 2. Ins. by M. P. Act 7 of 1956, S.7.
 3. Omitted by M. P. Act 46 of 1984, S.4.
 4. Omitted by M. P. Act 14 of 1965, S.4(ii).

- (iii) in order to extend facilities to such persons or class of persons and for such purposes as the State Government may, by notification, specify;

it is necessary or expedient so to do in public interest, it may, by notification, and subject to such conditions, if any, as it may specify in the notification,—

- (a) exempt from payment of duty in whole or in part—

- (i) any distributor of electrical energy or producer in respect of the electrical energy sold or supplied to such industry for the purposes thereof;
- (ii) where any producer or class of producers runs the industry, in respect of the electrical energy consumed by such producer or class of producers for the purpose of such industry;
- (iii) any distributor of electrical energy or producer in respect of the electrical energy sold to or used for consumption by person or class of persons and for purposes specified in the notification;

- (b) cancel any such notification and again subject, by a like notification, the distributor of electrical energy or producer or class of such producers to the payment of such duty in respect of such sale, supply or consumption of electrical energy.]¹

4. Notwithstanding anything to the contrary in the Indian Electricity Act, 1910 (No.9 of 1910), a distributor of electrical energy may, subject to such limitations and conditions and in such manner as may be prescribed, recover from a consumer by way of surcharge the whole or part of the duty payable by such distributor of electrical energy under section 3 in respect of [all consumption of electrical energy.]²

Reimbursement of duty from consumer by distributor of electrical energy.

5. (1) The amount of duty due and remaining unpaid shall carry interest at such rate and in such circumstances as may be prescribed.

Recovery of duty and interest.

(2) Without prejudice to any other mode of recovery available to the State Government, any duty falling due for payment and the interest accruing thereon, if any, may be recovered in the same manner as an arrear of land revenue.

6. Every distributor of electrical energy [and every producer]³ shall keep in such form such books, accounts and records, and furnish such returns at such times and to such authorities as may be prescribed.

Keeping of accounts and records and furnishing returns.

1. Ins. by M. P. Act 14 of 1965, S.5.

2. Subs. by M. P. Act 7 of 1956, S.8.

3. Ins by M. P. Act 7 of 1956, S.9.

Appointment of Inspector.

7. (1) The State Government may by general or special order appoint any officer to be an Inspector for the purposes of this Act.

(2) Every Inspector so appointed shall perform such duties and exercise such powers as may be prescribed for the purpose of carrying into effect the provisions of this Act and the rules made thereunder.

(3) Every such Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

Penalty.

[8. If any distributor of electrical energy or any producer or consumer—

(a) fails to keep any books, accounts or records or to furnish returns in accordance with any rule framed under section 6, or

(b) intentionally obstructs an Inspector appointed under section 7 in the performance of his duties or the exercise of his powers under this Act or the rules made thereunder,

he shall be punishable with a fine which may extend to one thousand rupees.]¹

Power to make rules.

9. (1) The State Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

(a) the time and manner of payment of duty under section 3;

(b) the limitations and conditions subject to which the whole or part of the duty payable in respect of each consumer may be recovered by the distributor of electrical energy and the manner of such recovery under section 4;

(c) the rate of and the circumstances in which interest may be charged under sub-section (1) of section 5;

(d) the forms in which books and accounts may be kept, returns furnished and the times at which and the authorities to which such returns may be furnished under section 6;

(e) the duties and powers of Inspectors appointed under section 7;

[(cc) the manner in which the generating sets are to be registered and the fee payable for such registration or renewal thereof;

(ccc) the manner in which and the authority to which a dispute arising out of any provision of this Act, shall be referred;]¹

(f) any other matter for which no provision has been made in the Act and for which provision is, in the opinion of the State Government, necessary.

[(3) In making a rule under sub-section (1) or sub-section (2), the State Government may provide that a breach thereof shall be punishable with a fine not exceeding one thousand rupees.]²

(4) The power to make rules conferred by this section shall, except on the first occasion of the exercise thereof, be subject to the condition of the rules being made after previous publication, and the date to be specified under clause (3) of section 22 of the Central Provinces and Berar General Clauses Act, 1914 (No. 1 of 1914), shall not be less than one month from the date on which the draft of the proposed rules was published.

1. Ins. by M. P. Act 21 of 1978, S. 6 (i).

2. Ins. *ibid*, S. 6 (ii)